The Nebraska Observer

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formerly WHAMO

Trash Titans Target Townships

Bennington Bloc Battles Behemoths

by Colleen Aagesen

Bennington, a little bedroom community near Omaha (population 840), may soon become the bull's-eye for area wastes. If the giants of waste management have their way, the Bennington community, which includes its tiny neighbor Elk City (population 40), may have not one, but two landfills, less than five miles apart.

In May the Douglas County landfill at 126th and State Street is slated to close, a situation Bennington residents say the county officials have known about for five years. But it wasn't until November that the county, without citizen input, opened the bidding process to build another landfill. Waste Management, bidding significantly lower than its competetor Browning-Ferris Industries (BFI), won the contract to build and operate a landfill with a slated 18-year lifespan a mile and a half north of Elk City.

Residents of Elk City, mobilized as ACRES (Area Coalition of Residents for Environmental Safety), hired Vard Johnson, former state senator, as their attorney. Says Johnson, "If we were talking about a three-year period between opening and closing, after which the landfill would be covered and made into a park, it would be different. While no one is ever excited about a landfill next door, it would certainly be more tolerable. But," Johnson says, "with an 18-year landfill, the residents of Elk City are being asked to bear an unreasonable burden without the opportunity for input."

Garbage 101

Citizen concern soon heightened. Shortly after the Douglas County Board announced the contract award to Waste Management to build the new county landfill, BFI, openly disturbed about the bidding process, said it deserved the contract, and announced its intention to proceed with construction of its own private landfill a mile north of Bennington.

"It's free enterprise," says Tom Vandervoort, BFI Public Information Director. "We know there is a waste crisis in the Omaha area because we're the ones who run the present county landfill at 126th and State. We plan to compete for Douglas County's waste management business."

Bennington residents, reeling from the shock of one landfill, suddenly were hit with the possibility of a second. Says Ellen Dahlstet, ACRES member, "One minute we were living normal lives. The next minute we were taking Garbage 101 courses."

Soon after Nebraska's State Department of Environmental Control (DEC) approved the Waste Management site in Elk City, ACRES filed suit to block the landfill. Bennington area citizens organized their own group, forming PLAN (Protecting Land and Neighbors) soon after BFI announced its intent to proceed.

Border Site Harder to Fight

Members of both PLAN and ACRES say Douglas County has brought a "waste crisis" on itself. "But that is not justification to rush into a landfill," according to PLAN member and Bennington High School history teacher Gary Sather. "It should be a careful, scientific decision, not a political one where the powers that be go for the least line of resistance."

Residents are angry that both companies chose sites near the Douglas County-Washington County border. "This is very typical," says Dahlstet. "It makes their job easier. You see the same kind of thing with nuclear waste sites being on state borders. It is harder for people on both sides of state or county lines to fight something."

Bennington residents point to Lincoln as an example of siting a model sanitary landfill, standing in stark contrast to the Douglas County landfill situation. Says Dahlstet, "Our city and county have a waste problem, and we need to get together to solve it. We set up a tour of the Lincoln landfill. While Lincoln Mayor Bill Harris came, no Omaha City Council members or Douglas County Commissioners came."

ACRES attorney Johnson says, "My clients are persuaded that the city/county is not up with the current waste problem. They haven't informed themselves that other modalities exist."

Dahlstet says the process used to site the Lincoln landfill helped generate citizen confidence. "A recycling coordinator was hired (in Lincoln) as a result of citizen input. Citizens were involved in both the siting and design aspects. Neighbors of the landfill were part of the process."

Sather adds, "The citizens rejected the first siting recommendations. They looked for and found a better option. Lincoln used the intelligence of its citizens. Our county board never gave it a shot. There may have been a better place in Douglas County, (but) Bennington (citizens were) never consulted."

"County Should Run Landfill"

ACRES and PLAN believe that Douglas County, like Lincoln, should run its own landfill. "I can talk 'til I'm blue in the face and Waste Management and BFI (headquartered in Chicago and Houston respectively) will not listen to me," says Dahlstet.

Calling the board's decision a "tough" one, County Commissioner Mike Albert says he sympathizes with residents. He is reported to have said that if he lived in Elk City he also would fight the landfill.

Michelle Keiderling, ACRES member, isn't convinced. "(Albert) took the quickest route. Hiring Waste Management or BFI to solve your problems is only hiring trouble."

BFI says the Douglas County bidding process was both unfair and carelessly done. "Waste Management's very low bid of $6.90 per ton, next to our substantially higher one, was like comparing apples to oranges," said Vandervoort. "Waste Management can't possibly meet the (federal) Subtitle D regulations (to go into effect in 1990) on that bid."

Ed Cook, Waste Management general manager for the Douglas County site, says, "We will meet all Subtitle D regulations. Ours is a good site. We have a natural liner of clay over 120 feet deep."

BFI recent-ly received another setback in its effort to expand its business in Douglas County. DEC informed BFI that its permit application is deficient, listing numerous unaddressed problems. According to Bruce Baugh, supervisor of the department's solid waste section, "It would be very difficult to assure the environmental integrity of this site for landfill development."

Deanna Liable, PLAN Steering Committee member, is elated. "We've won the first round." Vandervoort disagrees. "This is just part of the process," he said. "The DEC gave a constructive and legitimate response and ours will be the same."

Citizen Concerns vs. Profits

Vandervoort says he is confused about the reaction of some of the area residents. "We understand the concerns of the citizens and we want to be a good neighbor. Actually, it is to Bennington's advantage to have these facilities," he says. "They can, with their portion of the user fee, improve their fire department, their police force, their schools."

He says citizen concerns could be alleviated if Douglas County residents would visit BFI's Denver operation. "It represents a new generation of landfills with impermeable clay barriers, leachate collection systems, methane vents, and groundwater monitors," he said. "We understand NIMBY (Not In My Back Yard syndrome), but there is a whole set of technologies out there. We don't just put garbage in a hole any more," he said. "We have state-of-the-art sanitary landfills."

"We don't need to go to Denver," says Liable. "We've seen their landfill at 126th and State. There are contaminants in the wells there and an incredible litter problem."

Says Johnson, "It's easy to dismiss my clients with the NIMBY explanation. But the fact remains that these people are being asked to live with a dump for the rest of their days, representing a continuing and chronic assault on their well-being and security. They will live with the trucks, the noise, the dust, the rats, the debris and the pollutants that

Continued on page 9

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As We Change Our Name...

by Frances Mendenhall

We're glad to have the thoughts of economic columnist Skip Laitner on our pages. His firm Economic Research Associates of Lincoln does consulting work for people in government and others. I often think of E.F. Schumacher's subtitle "Economics as if People Mattered," (from "Small is Beautiful,") when I read his column. We gave his column the wrong logo in our last issue; it should have read "In the Long Run," as it does this time (next page). Skip and his wife are about to become first time parents, if they have not already.

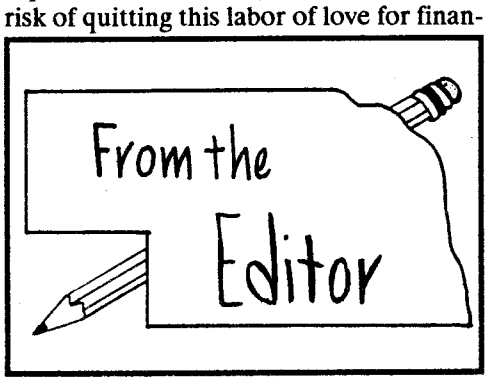
Cartoonist Wilson Howard also made a welcome contribution this time (page 5), and hinted that more of the same might be possible. We hope so.

Many of Warren Francke's fans hoped he had not permanently quit doing written commentary last month when he left the Metropolitan. Next month we look forward to Warren's comments on our pages. We are glad he's still writing.

Project, Not Product

People in the business of journalism often refer to a newspaper as a "product," as in "good photos improve the quality of the product." The language of the market goes along with this viewpoint. For example, in two recent articles about this publication, the World-Herald noted that WHAMO/ The Nebraska Observer publishes "for its members only," and that "Dr. Mendenhall refused to disclose circulation figures." Someone at our favorite local daily has perceived that we are not like them, and they are right.

We do not publish what the market demands. In fact, it will probably be a long time before we ever have enough advertising income to put a serious dent in our expenses. Fortunately, due to a growing network of dedicated citizen volunteers, our expenses are low enough that we are not at risk of quitting this labor of love for financial reasons. (We do, however, need to dramatically increase our paid memberships in the coming months in order to improve our long term outlook, and your continued help there is appreciated.)



We call The Nebraska Observer a project, not a product. We exist to respond to the need left by a press dominated a market oriented paper. We depend on ordinary citizens to support our effort by helping us uncover the stories that need telling, encouraging others to become members, and donating their time. The response we had to our last two issues was very encouraging; it appears that our influence is not a function of circulation figures, which in fact are not as high as the World-Herald's, but are growing at a very nice rate, thank you.

Name Change

Many people thought it was a good idea for us to change our name, so we decided to go ahead and make the change this month. We used to call ourselves WHAMO, the World-Herald Attitude Monitoring Operation, and decided to publish awhile under that name so everyone would know who we were, then make the switch. Judging from people's response, we don't have an identity crisis, so this month we're The Nebraska Observer. Those of you who depended on us to watchdog the World-Herald will not be disappointed, however. Expect to see appropriate commentary, criticism, and news unavailable from the W-H on our pages. We will probably have a WHAMO pullout, or article identified with the old WHAMO logo every now and then.

Press Credentials at the Capitol

On March 15 WHAMO's Environmental Editor Lynn Moorer, who had been issued a permanent press credential five days before, was told by the Clerk of the Legislature Patrick O'Donnell that her credential should never have been issued and would be revoked. O'Donnell felt that only dailies, tv stations, and wire services should have permanent credentials. A permanent credential is needed for a reporter to have ongoing access to executive sessions of committees. Moorer wanted access to the background information of these meetings for the Natural Resources Committee.

We responded by protesting the decision and seeking an appeal from the Executive Board of the Legislature, which will probably be decided on this week, according to an aide in Sen. Labedz' office. The Executive board met Monday, March 27, and began discussing our case. We appreciate the support Sens. Schmit and Chambers gave us at the meeting.

We held a press conference the next day and drafted our appeal letter. The Nebraska Civil Liberties Union supported our position, and felt as we did that it was a First Amendment issue. Their press release noted:

"One cannot define press based on size and frequency of circulation of the newspaper. One cannot determine the legitimacy of the press based on the narrowness or breadth of issues covered. And one cannot determine legitimacy of the press by the source of the revenues to publish the newspaper."

I conclude from all this that both the World-Herald and the Unicameral have figured out that we don't fit the usual mold, but have failed to see us as a new and better expression of values of democratic participation and informed citizenship. Perhaps that will change. After all, Nebraska is known for its prairie populism, and the "watchfulness of the citizens." But if it doesn't change, we probably should regard it as a sign that our voice is needed all the more.

If you wish to express support for our seeking a permanent press credential for Lynn Moorer, contact any member of the Executive Board of the Legislature: Sens. Brad Ashford (471-2714), Dennis Baack (471-2616), William Barrett (471-2619), Ernie Chambers (471-2612), Rod Johnson (471-2630), Loran Schmit (471-2719), John Weihing (471-2802), and Jerome Warner (471-2731).

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Observer Deadlines

The next issue of the Nebraska Observer will come out *April 26.* We must receive your story ideas by *April 11.* Copy is due *April 18.* Story ideas for the *May 24* issue are due *May 9.* Copy is due *May 16.*

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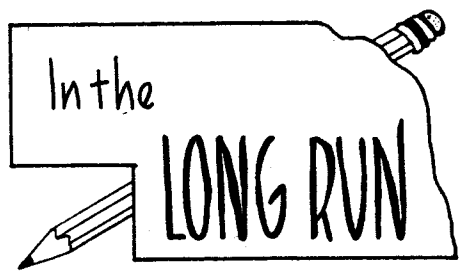
Put "Economic Development" Bill on Trial

LB775 To Cost Nebraskans Half A Billion

by Skip Laitner

The author is a resource economist, consultant and lecturer. He is a partner in the Lincoln-based firm, Economic Research Associates.

An ancient oracle said: "All things have two handles. Beware the wrong one." In terms of an economic development strategy for Nebraska, LB 775 may be the wrong handle.



During the legislative debates on LB 775, proponents of the bill suggested that the Nebraska economy would languish without a more competitive business environment.

A March 15, 1989 report released by the Department of Revenue challenges this assumption, however. The Department's own estimates indicate that LB 775 will cost taxpayers more than $540 million over the next 20 years.

The Revenue projections also indicate that the legislation won't generate a positive cash flow for the state treasury until the year 1999. The break-even point on the LB 775 investment is not projected until the year 2008. If the program can't pay for itself in terms of the state's treasury, the question should be whether it benefits the state at all.

What is interesting about LB 775 is that the Nebraska economy as a whole is performing no better than before the bill's enactment. Growth in personal income appears to be similar to previous years.

Even more interesting is that Nebraska's growth is less than economic growth in Iowa or Kansas. So it appears this centerpiece of Nebraska's economic renewal program may need a jumpstart.

If this is the case, you might ask, why is there such a steady stream of announcements about all the new jobs and investments being proposed? Well, the one advantage of LB 775 is that it gives the Orr Administration a reason to generate a list of benefits it can take credit for.

However, it is not until you add up all of the costs--as well as the benefits--that the full picture emerges. The IBP plant proposed for Lexington offers an example of how an incomplete accounting can distort the LB 775 advantage.

To piece together the full picture of economic impacts means that we have to ask different questions than were asked by the advocates of LB 775. Yes, the Lexington facility will create 1,300 jobs. But do they represent a net increase in jobs in a way that really benefits the state? The answer is no.

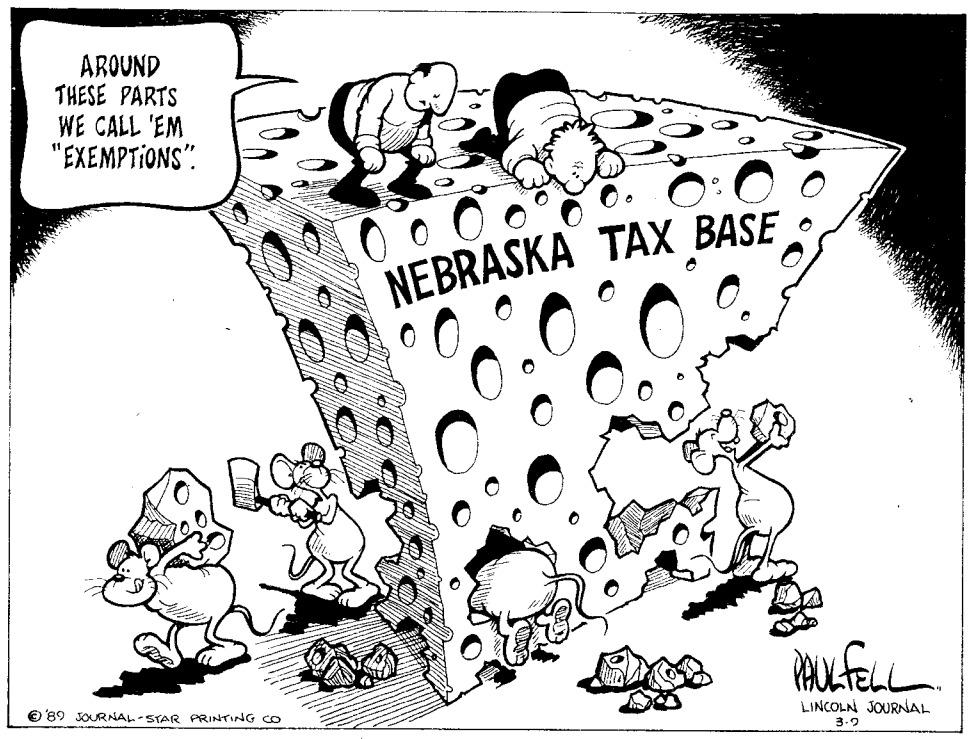
It turns out there is already more slaughterhouse capacity in Nebraska than there are cattle. In fact, present estimates indicate there is at least a 25 percent surplus capacity in the state. A large conglomerate like IBP, with its proposed Lexington facility, will drive out the local packers who are not as well-financed. This is an already established industry trend.

Since this group of smaller plants also employs a substantial number of workers whose jobs will be displaced, the net effect of the Lexington plant may be a wash. So IBP reaps the benefits of LB 775 while Nebraska gains few new jobs.

To better answer questions about LB 775, I offer a proposal to Governor Orr and the Legislature. Let's put the issue on trial. Specifically, I propose that a mock trial be set up to examine a variety of economic development issues.

Under this arrangement, the advocates of LB 775 and similar policies would be funded to present their studies and findings. Alternative development views would also be funded and presented. All views would be rigorously cross-examined and a citizen jury would be seated to render a verdict on the subject.

While this is an unusual forum, I believe it offers an exciting way to extend the public dialogue on Nebraska's $500 million investment. Shedding this kind of light may be the only way to determine whether the entire state will participate in the LB 775 benefits, or whether the benefits will be limited to a few corporations who happen to be located in Nebraska.



"Sure We'll Debate, Provided..."

by Lynn Moorer

Nuclear waste dump developer US Ecology is opening information offices in each of the three counties chosen as finalists for the dump site. Offices in Auburn, Nelson, and Butte are slated to serve Nemaha, Nuckolls, and Boyd Counties respectively. US Ecology spokesman Jim Neal says the offices are intended to help meet the company's "obligation" for "public outreach."

The developer has recently sought to evaluate its public relations efforts and discover "if the right concerns are being addressed" through an "unscientific (telephone) marketing survey" conducted in the three counties. The survey prompted angry criticism from Sen. Loran Schmit who said the survey indicated a lack of communication between US Ecology and the legislature.

Since September US Ecology has declined to participate in public forums to debate opponents about the proposed site. Although the company said, when vying for the Compact's contract in 1987, that "public involvement" was of paramount importance," US Ecology announced last fall that company representatives would not appear in public debates with Nebraskans for the Right to Vote representatives because the formats tend to leave people confused."

Debates have not been ruled out, however. According to US Ecology Vice-president Rich Paton, if the following conditions are met, company representatives will debate.

IF the subject of debate is a "meaningful topic."

IF US Ecology has "operational control" over that subject.

IF timing is "appropriate."

IF purpose is "appropriate."

IF debate opponent is an "Appropriate spokesperson" on that subject.

US Ecology's definition of "appropriate spokesperson":

1. "Recognized source"
2. Has backing of "nationally-recognized" group(s)
3. Group(s) providing backing are free of bias on the issue.

(US Ecology will determine whether bias exists.)

IF US Ecology is not required to pay for opponent.

THEN US Ecology says it will debate.

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In 1985, 46 people were killed by handguns in Japan. In all of Britain the figure was eight. In our neighbor Canada, just five. The United States total: 8,092 deaths by handguns, several thousand more counting rifles and other firearms.

IRS Cracks Down On War Tax Resistors...

by Colman McCarthy

Washington--Annual stories of Internal Revenue Service incompetence, poor staff morale and low funding are now peaking. This picture of a bumbling, beleagured agency is not entirely accurate. In one activity--flushing out and socking citizens of conscience who refuse to pay taxes for military or war-related programs--the IRS is a model of fierce zeal.

In Colrain, Mass., a "notice of seizure" was delivered on March 2 by IRS agents to the home of Randy Kehler and Betsy Corner, a married couple who don't want their tax dollars used for killing. The IRS plans to sell the couple's home to recoup the $20,000 in taxes and $6,000 in interest and penalties that Kehler and Corner are alleged to owe.

In Comer, Ga., Don Mosley and Max Rice, members of Jubilee Partners, a Christian community and service organization, were recently released from 40 days in three Georgia and Florida jails for saying no to military taxes.

The Philadelphia Yearly Meeting, a Quaker group founded in 1681, has the IRS on its trail for $16,836 not paid for two employees who are conscientious tax resisters.

Andrea Ayvazian, director of training for the Peace Development Fund in Amherst, Mass., has had her savings account raided by the IRS four times in seven years.

Unlike tax cheats, tax evaders or loophole artists, these seven citizens are not keeping their withheld money. Kehler, a Harvard graduate who spent 22 months in prison in 1970-71 for noncooperation with the draft and was the national coordinator of the nuclear-weapons freeze campaign from 1981-84, is typical. He joins his wife in diverting the IRS payments to nonprofit groups serving the poor.

Samuel Caldwell, general secretary of the Philadelphia Yearly Meeting, says, "Authentic conscientious objection to war through tax resistance does not result in selfish financial gain. Religiously motivated war-tax resisters are careful to make alternative contributions to escrow payments."

Estimates on the number of conscientious tax resisters range from several thousand to tens of thousands. In 1981, the General Accounting Office said that although the number of "IRS-identified protest returns is still relatively small, the growth rate is alarming."

The growth rate for worthy audacity is also large. In this month's Progressive magazine, Andrea Ayvazian has the cover story: "No Payments Enclosed: Why I Resist War Taxes." She tells of taking "the leap in 1981" and never regretting the decision--"not for one moment."

Ayvazian's civil disobedience is based on the 54 cents of every tax dollar that goes to war-related purposes: "We live in an era when we house our missiles better than we house our people.... I have participated in my share of marches, rallies, sit-ins, die-ins and other demonstrations. That is all good stuff--the stuff that a movement is made of--but sometimes we can't help but feel that nobody is paying attention. War-tax resisters, however, threaten the system sufficently to elicit a response--and that, frankly, makes us feel good and make us feel strong."

Ayvazian is among the resister who tell the IRS what they are up to. Many others don't. To their credit, they don't file, they don't write letters of protest and they provide the IRS with no information on their income or wherabouts. "The IRS isn't particularly bright," says one longtime resister, "but it can add numbers. It knows that spending, say, $40,000 to find and prosecute me just to collect a few thousand dollars isn't worth it. If you aren't noisy about your protest, they'll leave you alone. Just you and your conscience, which is what this is all about anyway."

Whether loners lost to IRS computers or public dissidents, conscientious tax resisters have friends in Congress. Since 1974, legislation has been introduced to allow people morally opposed to war to have the military part of their taxes directed to nonviolent programs. Rep. Andy Jacobs (D-Ind.), one of 50 House co-sponsors last year of the U.S. Peace Tax Fund bill, believes the idea is "a positive counterpart in money to conscientious objection to military service."

In standing with the Quakers and the Randy Kehlers, Jacobs is also aligned with Henry David Thoreau, the jailed tax resister who wrote: "If a thousand men were not to pay their tax bills this year, that would not be a violent and bloody measure, as it would be to pay them, and enable the State to commit violence and shed innocent blood. This is, in fact, the definition of a peaceable revolution, if any such is possible."

It is possible--in Colrain, Mass., Comer, Ga., and any other place where conscience comes before law.

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...While IBM Eyes a Perpetual Loophole

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by Robert S. McIntyre

The author is director of Citizens for Tax Justice in Washington, D.C.

Buried deep in President Bush's budget, scarcely noticed amid the well-deserved criticism of his call to restore the capital gains loophole, is a recommendation whose likely effect would be to exempt IBM from federal income taxes forever. Big Blue isn't directly mentioned. Instead, the proposal is couched in terms of foreign tax credits and allocation rules and coupled with exhortations to provide tax incentives for U.S. research and development. But large tax cuts for a handful of multinational corporations, including IBM, are what Bush seeks. And for all the administration's talk about the healthy effects of thse cuts on corporate incentives, the net result would be to move jobs abroad. Bush is trying to take a giant step in exactly the opposite direction from where tax policy for multinational companies should be going.

Corporate lawyers have figured out lots of ingenious ways to minimize taxable U.S. profits. A perennially favorite technique is to take some of the costs of earning foreign income and try to deduct them against U.S. income. Current law lets corporations get away with a lot of this, and Bush wants to let them get away with more.

One of these costs of doing business is investment in research and development. American multinationals often do extensive R&D at home to support an international network of manufacturing and sales. Tax experts generally agree that the most reasonable way to divide these R&D costs between foreign and domestic earnings is on the basis of sales: if only one-fifth of your sales occur in the United States, then only one-fifth of your R&D costs should be used to reduce U.S.-based income for purposes of taxation. Indeed, that's how companies typically allocate R&D expenses on their books. Were

The Bush plan would be worth more than $900 million a year to IBM alone compared with strict allocation by sales.

this accounting procedure used for tax purposes as well, multinational companies would pay close to $2 billion a year more in federal taxes than they do today.

In January 1977, after years of debate, the outgoing Ford Treasury Department issued a regulation agreeing with the experts that, as a general rule, R&D expenses ought to be allocated between U.S. and foreign income based on sales. But the Treasury then proceeded to undercut this victory for common sense with a series of exceptions. The bottom line was that for a typical company whose sales were divided equally between U.S. and foreign markets, about 84 percent of R&D costs, instead of 50 percent, could be used to offset taxable U.S. income.

You might think that corporate lobbyists would be satisfied with a loophole that big. Wrong. They persuaded Congress and the Reagan administration to enact a series of "temporary" laws--in 1981, 1984, 1985, 1986, and 1988--that broadened it. As of early 1988, a company that sold half its goods abroad could reduce taxable U.S. income by fully 95 percent of its R&D costs.

For a company the size of IBM, that amounts to a lot of tax avoidance. According to IBM's 1987 annual report, only about one-third of its $8 billion in pre-tax worldwide profits were earned by its U.S. operations. But for federal income tax purposes, IBM appears to have used so much of its R&D expenses to offset taxable income that it reported practically no U.S.-source earnings at all. As a consequence of this and some more minor tax breaks, IBM paid nothing at all in federal income tax.

Since May 1988, when the latest "temporary" law expired, the 1977 Treasury regulations have been back in force. Merely keeping the feeble Treasury rules in place would retain upward of $700 million a year more in tax revenues than would the temporary rules, according to government estimates. Going further, and requiring all R&D costs to be allocated strictly by sales, as they should be, would add another $1.7 billion a year to federal receipts.

Sounds like a nice way to shave a few dollars off the budget deficit. But Bush wants to head in the other direction. He proposes a permanent change allowing multinational companies to use virtually all their R&D costs--about 97 percent for corporation with roughly equal foreign and domestic sales--to offset U.S. income. His plan would benefit almost every big American multinational, from General Motors to General Electric. According to government estimates, the difference in tax revenues between the Bush plan and strict allocation of R&D expenses by sales is somewhere around $2.5 billion. But separate estimates of the difference these rules would make for IBM suggest that this aggregate figure may be understated; the Bush plan would be worth more than $900 million/year to IBM *alone* compared with strict allocation by sales. Indeed, the plan probably would have the effect of exempting all or nearly all of IBM's profits from U.S. income taxes in perpetuity.

At bottom, Bush's multinational tax

Continued on page 10

Eliminate Lead, Don't Bury It

by Mark Himes

There is an ancient Turkish proverb that refers to covering the truth as "tryin to plaster over the sun with mud." There is an exquisite, symbolic appropriateness of that proverb to the current problems facing the Douglas County Commissioners as they attempt to deal with the toxic wastes on the site of the Riverfront Redevelopment Project.

The redevelopment site, the new "front door" to Nebraska, is heavily contaminated with lead, arsenic, cadmium, petroleum and other hazardous wastes. In order to build the park that is supposed to be the centerpiece of the project, the county must perform what the Redevelopment Plan refers to as "environmental repair." Unfortunately, while the plan budgeted $150,000 for the "repair," the actual cost will be somewhat higher. Depending on the method of remediation chosen, and the accuracy of the estimates, this latest cost overrun will range from $3 million to almost $8 million.

The greater misfortune is that the high cost of dealing with the problem is that the high cost of dealing with the problem may tempt the commissioners to reduce, rather than eliminate, the health hazards. In fact, the cheapest method of remedation, the one favored by Board Chairman Mike Albert, involves leaving the toxic waste on the site--buried beneath (plastered over with?) three feet of clay.

During the past three weeks, the commissioners held four public hearings to receive comment on the various methods of dealing with the toxic waste problem. At the March 21st hearing, each of the commissioners expressed the desire to protect health and safety at the lowest possible cost to the taxpayer. According to the feasibility study submitted by HDR Engineering, Inc., each of the four remediation alternatives being considered meets state and federal guidelines for health and safety.

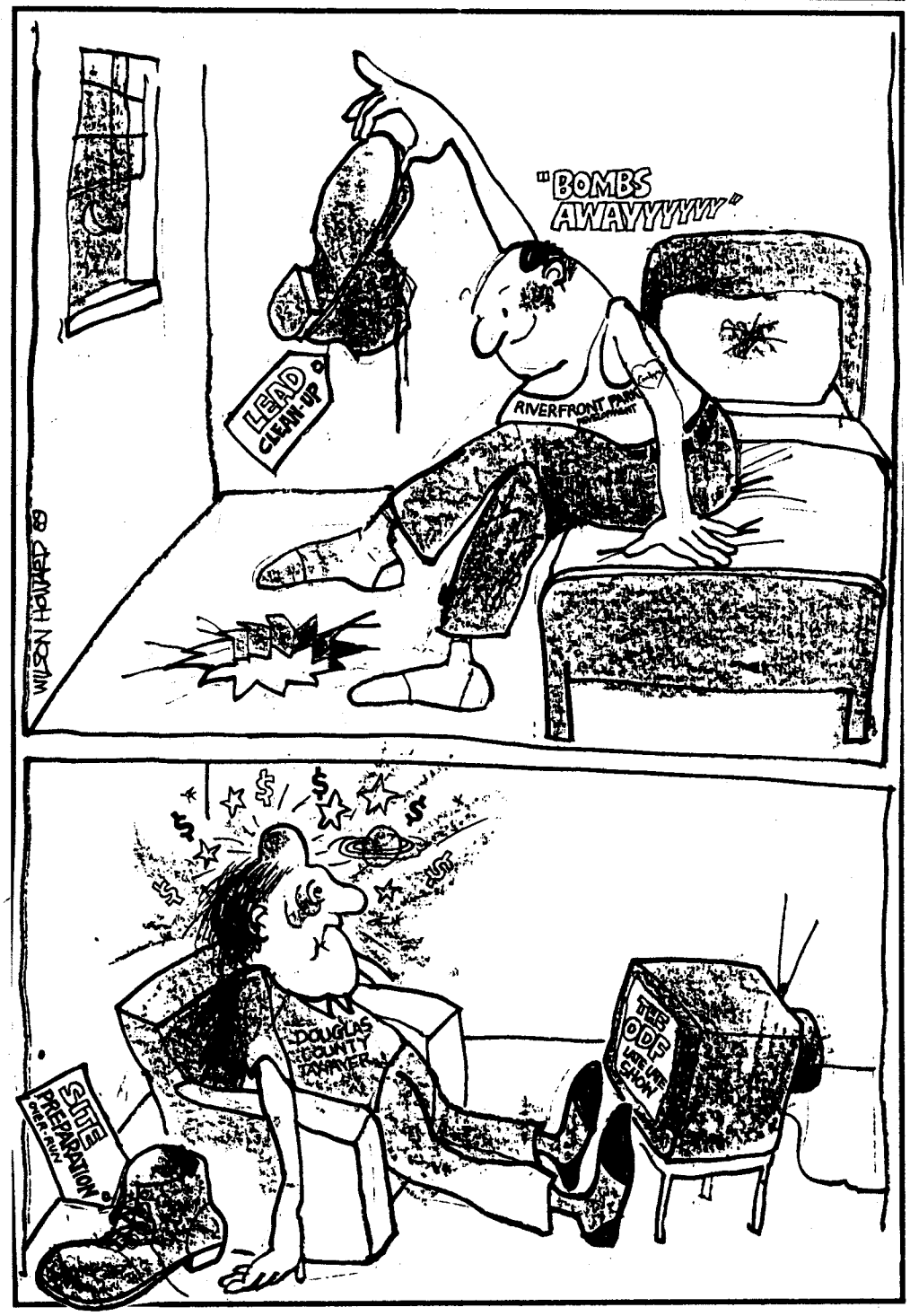
According to the study, the least expensive alternative, which basically buries the problem soil beneath three feet of clean soil, "...does not remove the lead contamination from the site..., the contamination is [treated]. The physical properties of the treated soil will reduce the hazard...," yet, "...highly lead-contaminated soil will remain on the site... and [will require] long-term management controls."

If it were impossible, at any cost, to eliminate the toxic contamination, then an alternative which simply reduces hazards of that contamination might be acceptable. In this case, the opportunity exists to completely remove the toxic waste from the site and thus eliminate the problem. Aside from cost, there is no justification for a lesser remedy.

The ConAgra/Riverfront Redevelopment Project has been plagued by cost "overruns" since its inception. It is, quite simply, a planning and decision-making debacle. The cost of the park has increased from $6 million to an estimated $12-15 million. It may be appealing to spend $3 million to reduce, instead of $8 million to eliminate, hazards from toxic wastes. Hopefully, the commissioners will avoid the temptation.

As a community, we are spending more than $30 million to remove a National Register Historic District from the riverfront. Jobbers Canyon was destroyed solely for aesthetic reasons; because one man didn't care to look at "red, brick buildings." If we can afford to spend $30 million to make the riverfront attractive, certainly we can afford to spend $5 million to ensure that it is safe.

Mark Himes is a spokesperson for PROUD, People for Responsible Omaha Urban Development. PROUD advocates removal of lead contamination rather than any of the risk reduction alternatives.



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Uncertain Future of Roe vs. Wade Prompts New Thoughts

The Abortion Dilemma: Rights in the U.S., Policies in Europe and a Breakthrough Pill

Changes in public policy related to abortion are likely in the next few months. On April 26 the Supreme Court is scheduled to hear Webster vs. Reproductive Health Services, Inc., which many expect to result in a weakening of the extent to which Roe vs. Wade mandated that states not interfere in abortion rights. Some see a possibility of a complete overturning of Roe, if not as a result of Webster, then likely as a result of cases yet to be heard.

Many people are rethinking abortion both from a public policy standpoint and as a moral issue. A mostly Catholic Omaha group has been meeting since last December to outline a policy that affirms the community's interest in protecting unborn life, but also charges the community with the responsibility of addressing those needs that must be met for women/couples to choose to continue difficult pregnancies. In this scheme, permission to abort must be sought from the community through designated representatives, whose task it is to assure that other alternatives have been duly considered, as well as to assure that the community they represent has been drawn upon as much as possible to give support to the woman/couple.

The reproductive rights of men received attention recently in a court case in Maryville, Tennessee. A couple who had filed for divorce disagreed over the proper fate of seven frozen embryos that they had placed in storage.

While the woman regarded the case as a custody battle over living entities, the man demanded that he be allowed to determine whether he should become a father or not. The woman is seeking the right to have them implanted or donate them to someone else, and the man is attempting to legally prevent them from being implanted in anyone. So far, a temporary restraining order has been issued to prevent implantation, while the attorneys search for other precedents to guide them.

Dr. Henry Morgentaler will speak at a 7:00 p.m. dinner on Saturday, April 15 at Highland Country Club in Omaha.

In January of 1988, Canada's Supreme Court overturned the law requiring a hospital committee to approve abortions. Dr. Morgentaler led the fight to have the law overturned.

For reservations, call Planned Parenthood of Omaha-Council Bluffs at 554-1045.

Dr. Julius Fogel: Post-Abortion Trauma Appears in Many Forms

by Colman McCarthy

WASHINGTON--Since 1973 when the Supreme Court legalized abortion, 20 million have been performed. About 20,000 have been done by Dr. Julius Fogel, 66, a Washington obstetrician-gynecologist. I've known him for more than 20 years, owing to his friendship with my wife who had served as an obstetrical nurse in Fogel's hospital.

I spoke to him last month when C. Everett Koop, the Surgeon General, announced that a government report would be issued on the emotional effects of women following abortion. Not enough is known. Koop said that almost 250 studies "do not support the premise that abortion does or does not cause or contribute to psychological problems."

The reason I talked with Julius Fogel is that in addition to being an obstetrician-gynecologist he is also a psychiatrist, one of the few U.S. physicians to practice both crafts. If anyone has an opinion worth listening to--one based on something more than ideology or anecdotes--it is Fogel. Well-credentialed, and well-regarded in the medical community, he is a dispassionate observer.

"There is no question," he said, "about the emotional grief and mourning following an abortion. It shows up in various forms. I've had patients who had abortions a year or two ago--women who did the best thing at the time for themselves--but it still bothers them. Many come in--some are just mute, some hostile. Some burst out crying...There is no question in my mind that we are disturbing a life process."

Fogel's thoughts last week were identical with those he expressed in 1971 when I interviewed him on the same subject. That was two years before Roe v. Wade, and Fogel and others were doing what were then called "therapeutic abortions." He did not claim then, or now, that mental illness automatically follows an abortion. "Often," he said in 1971, "the trauma may sink into the unconscious and never surface in the woman's lifetime...(But) a psychological price is paid. I can't say exactly what. It may be alienation, it may be a pushing away from human warmth, perhaps a hardening of the maternal instinct. Something happens on the deeper levels of a woman's consciousness when she destroys a pregnancy. I know that as a psychiatrist."

Fogel, unfortunately, wasn't one of those consulted by Koop. The Surgeon General says that he sought the views of 27 scientific, medical, psychological and public-health experts. The impression left now is that the data aren't there to lead to any conclusion that he or anyone else should be acting on. It's close to unbelievable that a major medical procedure performed 20 million times in 16 years has somehow been left either insufficiently studied or studied in a way that the results end in a draw.

Variables and uncertainties surely exist in the studies of abortion aftereffects, depending on everything from the woman's age and income to her religion and education. And it may be true, as Koop claims, that "scientifically you can't prove a thing." But since when is scientific certainty the credibility standard for deciding, as Julius Fogel has done, that people are hurting?

In "Aborted Women: Silent No More," David C. Reardon says in a chapter on the psychological impact of abortion that studies of the aftereffects are common. He cites seven, ranging from an American Journal of Psychiatry report on 500 women to a survey of available studies by the Royal College of Obstetricians and Gynecologists in England. The latter found, "The incidence of serious, permanent psychiatric aftermath (from abortion) is variously reported as between 9 and 59 percent."

Reardon states that "Even the most biased pro-abortion surveys admit that severe post-abortion psychological trauma does occur...One researcher even claims that 'disabilitating' psychiatric problems occur in 'only' one percent of aborted women. But dismissing even a one percent rate of disabling sequelae with an 'only' is obviously unjustifiable when the number of women undergoing abortions each year has reached such large proportions. If 'only' one percent of 1.5 million women suffer severe disabling psychic trauma from abortion, that means that each year 15,000 women are so severely scarred by post-abortion trauma that they become unable to function normally."

Whatever the numbers and percentages, the pending Supreme Court decision on a Missouri antiabortion law has become a bonfire heating the already inflammatory rhetoric on both sides. The National Abortion Rights Action League needs to lay off its preachments about "reproductive freedom," as if destroying fetal life is the problem-free pinnacle of feminist principle. On the other side, George Bush opposes abortion and calls for adoption. Is he calling also for federal money to help couples who would adopt children but who are in debt paying for the ones they already have?

One effort worth honoring is a new project begun this month by Archbishop Roger Mahoney of Los Angeles--a diocesan counseling program to help women deal with post-abortion stress. In Washington, Julius Fogel has long worked to counsel women. The two men have opposing views on the morality of abortion, but they come together in easing the anguish, whether or not it's scientifically proven.

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Writers' Group

French Abortion Pill Unlikely Option for Women in United States

by Sharon Kirsch

The author, a native of Omaha, is working on a Masters Degree in English at the University of Nebraska at Lincoln.

RU 486 is the new French drug that terminates early pregnancy. Like the IUD and some other birth control pills, it ensures that implantation cannot occur. Pro-lifers demand that it be called an abortifacient, not a contraceptive, because it does not prevent fertilization. The U.S. Public Health Act prohibits the use of government money to study or develop any drug that can be used as an abortifacient.

Proponents of RU 486, including Dr. Etienne Baulieu, a hormone expert at France's National Institute of Health and Medical Research who helped pioneer the drug, reject the term "abortion pill," and prefer "contragestive" which means to prevent gestation. The American College of Obstetricians and Gynecologists defines conception to mean implantation rather than fertilization. Between 40 and 80 percent of fertilized eggs fail to implant themselves naturally. Says Dr. Baulieu, "I resent it when people present the very early interruption of pregnancy as killing a baby, morally or physically. Almost 50 million women have abortions each year, and some 150,000 women die annually for (poorly performed) abortions. RU 486 could save the lives of thousands of women."

Named after a French pharmaceutical company, Roussel-Uclaf, RU 486 is a synthetic steroid which acts as a progesterone imposter. Dr. Baulieu first became interested in fertility control in 1961. In 1970, Baulieu and a team of researchers at France's National Institute of Health discovered receptors within the cells of the uterus. These cells must receive messages from the hormone progesterone in order to hold a fertilized egg. RU 486 prevents the cells from receiving messages from progesterone. Without progesterone, the lining of the uterus breaks down and menstruation begins.

The drug, generically known as mifepristone, has been found to be more than 95 percent effective in terminating pregnancy in the first two months when followed with an injection of another drug, prostaglandin, which induces uterine contractions. Some occasional side effects of RU 486 include heavy bleeding, painful contractions, nausea and fatigue.

Other potential uses of the drug could benefit men and women. Included are dilation of the cervix to reduce the number of caesarean births, treatment of progesterone-dependent breast and ovarian tumors, treatment of infertility, as well as treatment for cancer of the prostate in men. Researchers are also investigating RU 486 as a treatment for Cushing's syndrome, a life-threatening hormonal disease of both sexes.

Women in France, China, Sweden, the Netherlands, Britain and a number of third world nations have access to RU 486. Many see the drug as especially important in the third world, where sanitary medical facilities, anesthetics and trained health care professionals are scarce. Experts predict that the drug could replace between 80 and 90 percent of the 1.5 million first trimester abortions performed annually in the United States, but it is not likely that this will happen, because no U.S. company now seems willing to stand up to the pressure of the right-to-life lobby and begin the testing and marketing of the drug.

Even Roussel, the company holding the RU 486 patent, last fall gave in to the controversy surrounding the drug. The chairman of Roussel, Edouard Sakiz, a strong supporter of RU 486, eventually yielded to pressure from anti-abortion groups. Rallies were held in front of Roussel's headquarters. Sakiz received as many as 25 threatening letters a day. One scrawled in red ink said, "Assassins stop your work of death." During an interview Sakiz commented, "It's impossible to discuss things with these people."

Shortly after France's Minister of Health approved the marketing of the drug in September of 1988, protests magnified. A few weeks later Sakiz called the members of the management committee together for discussion of the drug. Opponents noted that the controversy over RU 486 was hurting employee morale. Management was devoting a great deal of time defending a drug which will never provide sizable margins of profit because much of it would be sold at cost to third world nations. The committee voted to suspend distribution of RU 486.

"We have a responsibility in managing a company...But if I were a lone scientist, I would have acted differently," Sakiz explained. He encouraged Dr. Baulieu to remain outspoken in support of RU 486.

On October 26, 1988, one day after the committee voted to suspend distribution of RU 486, the World Congress of Gynecology and Obstetrics, consisting of nearly 9,500 members, met in Rio de Janeiro. Roussel's decision turned the meeting into a rescue mission for RU 486. Doctors, scientists, researchers, feminists and family planning groups protested Roussel's decision and began considering new ways to market the drug.

Two days after the drug was taken off the market, France's Health Minister Claude Evin demanded Roussel reverse its decision or the Government would transfer the patent to another company. "I could not permit the abortion debate to deprive women of a product that represents medical progress," he said.

Although no public money in the U.S. may be spent to study abortifacient drugs, the Population Council, a nonprofit research organization funded privately, conducted research at the University of Southern California. Its studies, done on women in the first five weeks of pregnancy, showed that the drug could be effective without a follow-up injection of prostaglandin. The council's director of biomedical research, Dr. Wayne C. Bardin, says that if it weren't for political pressure, "RU 486 would really be a number one priority."

Faye Wattleton, president of the Planned Parenthood Federation of America, is concerned that American women will be able to get RU 486 only through the black market until it is approved by the Food and Drug Administration. Unsupervised use of the drug could be dangerous, she says. In France the Health Ministry approved the use of the drug, but provided regulations; it must be used under the supervision of medical personnel at an authorized clinic.

Most agree that RU 486 will not make it legally to the United States soon. But it is also obvious that its influence will be felt even if it is available only from illegal sources. As court challenges and the possibility of overturning Roe vs. Wade increase, it remains to be seen how this new drug might influence public policy in a climate that now seems hopelessly polarized.

Abortion and Divorce in Western Law

Exerpts from a review by Daniel A. Degnan of Abortion and Divorce in Western Law by Mary Ann Glendon.

This book should change the way abortion and divorce are discussed in the United States. Mary Ann Glendon, who teaches law at Harvard, compares the laws of abortion and divorce in the United States and nineteen other Western nations.

In the 19 other nations, among them France, West Germany, Italy, Sweden, and England, abortion takes place against a context of strong social and economic support for mothers and children, including money payments, day care, and maternity leave. In almost all, the abortion law itself seeks to affirm and protect in some measure the value of developing human life. French law, for example, characterizes the factual situation as involving human life and states a general principle of respect for every human being from the commencement of life. In all these nations, abortions are limited and strictly regulated in the later weeks of pregnancy. Many of the countries require cause for abortions even in the early weeks of pregnancy.

In the United States, in contrast, the Supreme Court has declared a constitutional right to abortion.Requirements of counseling, waiting periods, and even hospitalization in the second trimester have been struck down as interfering with that right. Only in the United States is abortion characterized as an individual right.

Glendon argues eloquently that the United States need not be mired, as many believe, in an abortion debate in which either side must have total victory. "But the experience of other societies that have been just as deeply divided as ours, if not more so, on the abortion question, shows that when the legislative process is allowed to operate, political compromise is not only possible but typical." The different groups in these societies have been able to live peacefully and without frustration under these political compromises.

To prolife advocates, Glendon says that a law which communicates that abortion is a serious moral issue and that the fetus is entitled to protection will affect our mores, the hearts and minds of our people, better than absolute prohibition. Glendon asks prochoice advocates in the United States to consider what a set of legal arrangements that places individual liberty above innocent life says about, and may do to, the people and the society that produces them.

Glendon proposes that abortion law be returned to the states, where she expects, rightly I think, bitter debate but eventual compromise.

Mary Ann Glendon has used a profound knowledge of comparative law to tell us that our society can be better served, if we have the courage and humility to learn from fellow nations.

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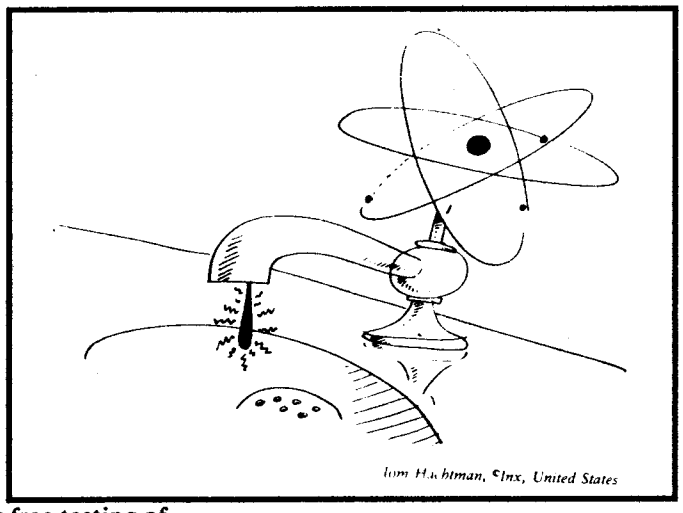
How We Got Stuck With an N-Dump

by Tom Huddleson

The author is editor of The Nebraska Signal, Geneva, Nebraska.

Normally we like Senator Loran Schmit of Bellwood, for pragmatic if not for personal reasons. We must take him to task, however, for remarks he made regarding LB 761, LB 763 and LB 52. All three bills pertain to the low-level nuclear waste facility.

LB 763 and LB 52, which were held in committee, would require community consent by way of a county-wide vote of the site selected, whereas LB 761 does not. LB 761 bans shallow-land burial, provides for excess costs incurred by Nebraska to be assessed against generators, limits life of the dump to 30 years or 5 million cubic feet, allocates $2 million per year to be split between the host county and municipalities within 10 kilometers of the site, and offers free testing of water and farm products to adjacent land owners.



Senator Schmit, chairman of the Legislature's Natural Resources committee, justified not allowing the citizens directly affected by the site to vote by saying, "The worst thing you (an elected official) can do is to appear to be intimidated by the public." What a horrible thing for an elected official to say, far worse than when Cornelius Vanderbilt, the Robber Baron, said, "The public be damned." If elected officials are not responsive to the public, who will be?

Glow Big Green

It has been suggested to us, and we take that suggestion and embellish it, that an amendment be tacked on to LB 761 providing that when Nebraska's multi-state nuclear dump is finally built, a monument be erected over it. The design we envision is a troika: life-sized or larger than life-sized statues of Senators Loran Schmit and Rex Haberman supporting on their shoulders Dan Drain, former director of the Nebraska Department of Environmental Control. Drain should be holding some appropriate symbol aloft, perhaps a glow-in-the-dark garbage can, or maybe a wrinkled, obviously half-baked, day-glow green wiener, representing the proverbial green wienie Nebraska has been quietly slipped.

That may sound a little harsh, but one needs only to know a little history of the Compact and how Nebraska came to be chosen as a "host" site (as if "hosting" a Woman's Club tea and being picked to be the recipient of the most deadly garbage humans have ever created from five states are the same) to know just how just and right such a monument would be.

The Department of Environmental Control and the Environmental Control Council were created in 1971 by LB 939, which was sponsored by Senator Loran Schmit. The ECC, while sounding as if its mission was to protect the environment, was actually a creation of the state's leading industries to stave off perceived future pollution-control efforts by the Environmental Protection Agency. Of the original 16 members on the ECC, 15 represented interests which created environmentally damagaing wastes. One member, Sandy Scofield, was appointed to oversee the interests of conservation. Dan Drain, a retired military officer, was appointed director.

It would not be unfair to characterize the ECC in its original composition as, if not pro-pollution, at least pro-polluters.

False Assurances

When it became clear that Nebraska would either have to dispose of its own nuclear waste or join a Compact, Nebraska Public Power District and Omaha Public Power District engaged in some intense lobbying for the Compact option as the more economical approach. Senator Schmit sponsored the legislation.

The floor debate in the Unicameral was interesting only because there was almost none. Only one senator, Chris Beutler of Lincoln, asked questions or raised objections. Senator Beutler cautioned his colleagues that Nebraska could well "get stuck" with the site and the domestic discord which would result. Senator Rex Haberman of Imperial assured Senator Beutler and the rest of the Unicameral that Nebraska definitely would not be chosen.

Governor Bob Kerrey appointed Dennis Grams to replace Dan Drain as director of the DEC, but Drain has since replaced Sandy Scofield on the ECC as, of all things, the commissioner responsible for overseeing the conservation interest in enviornmental matters. The new director, Grams, of course, was the single "no" vote when the Compact's five commissioners voted 4-1 to place the site in Nebraska. We suspect, but cannot prove, Grams wanted the site here, as did the ECC and NPPD and OPPD, despite the fact that Nebraska is not the largest generator of nuclear waste in the Compact (Louisiana is) and the fact that Nebraska is not central for transportation of waste (Oklahoma is).

Why was Nebraska selected as the site for the nuclear dump despite our not being the biggest waste producer and despite the fact we are on the extreme northern edge of the Compact? At the time the site was selected, our economy was in a slump. The economic-development-at-any-cost philosophy prevailed at the top of state government. Dennis Grams' vote in the Compact was for form's sake alone. Nebraska state officials wanted the dump, and the selling was fairly easy.

We are a sparsely populated state, and as an electorate, while more conscientious about voting than most other states, we are fairly naive. Nebraska's power companies wanted the site here--that would save them transportation costs on their waste.

Continued on page 9.

Environmental Control Council Members

TH

Most Nebraskans are either unaware or barely aware of the Environmental Control Council. Members are appointed by the governor, subject to approval of the Legislature, to four-year terms. The director of the Department of Environmental Control serves as secretary to the ECC. The current 16 members of the council and the interests they represent are as follows:

Robert Petersen, North Platte, professional engineering; Hugh Williams (of Drake Steel), Omaha, heavy industry; Dick Gregg, Ralston, labor; Terri Harris, Imperial, food products manufacturing; Fred Hlava, Gordon, municipal government; Don Vogel, Grand Island, chemical industry; Dan Drain, Lincoln, conservation; Elwin Larson, Omaha, the second municipal government represenative; Vernon Pearson, Shickley, agricultural crop production; Dick Mercer, Kearney, livestock industry; Elsie Morris, Walthill, public at large; Dan Gardner, Wakefield, agricultural processing; vacancy, county government; Dr. Dennis Wiesenburger, Omaha, physician; Mark Whitehead, Lincoln, automotive and petroleum industries; and Dwayne Smith (of Loup Public Power), Columbus, power generating industry.

These people are entrusted to protect our environment from pollution.

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Insider's Wish List for Nebraska Prison Reform

Wopashitwe Mondo Eyen we Langa, also known as David Rice, is serving a life sentence in the Nebraska State Penitentary in Lincoln.
by Wopashitwe Mondo Eyen we Langa

Over this past year, there has been a substantial amount of publicity about overcrowding in the Nebraska Correction system and steps taken and proposed by corrections officials addressing this problem. Recently, several prisoners who had lost "good time" for violation of facility rules were released to their respective communities after their "good time" credits were returned.

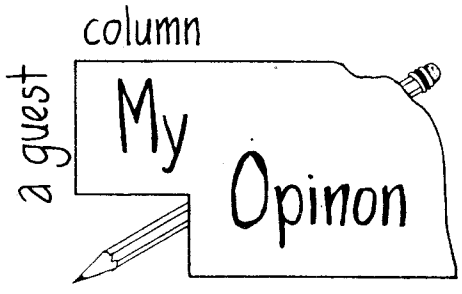
People in these communities were and are not pleased with what they see as "early" release of men and women who were serving time for felonies. These people fear that the released prisoners will commit more muggings, drug sales, rapes, murders and other crimes.

This fear is not unfounded. Obviously, there are men and women who, despite imprisonment and the prospect of repeated imprisonment, are not going to stop violating laws. The fact is, habits die hard. In addition, economic and social conditions contributing to the frequency of illegal activities are not being rectified in any fundamental sense, if at all. But beyond all this, there is another important factor legitimizing a fear that released prisoners will commit new offenses.

This factor is the policy of the Department of Corrections. While it is true that the Nebraska prison system has never been known as a guiding light of progressive penalogical philosophy, in the last five years it has gutted most of the few programs intended to motivate prisoners to make constructive changes in their lives.

At the State Prison in Lincoln, prisoner organization travel orders, which enabled prisoner members of institution-based organizations to attend various functions outside the institution while under the supervision of prison employees, were abolished. Education-release and work-release became opportunities so late in prisoners' sentences that they no longer serve a function as incentive programs.

While there are countless things prisoners can do that will be used against them, there is practically nothing they can do to benefit themselves. For example, a prisoner might purchase a jar of coffee from the canteen, keep the jar after its contents have been used up, and be given a misconduct report for possessing "nuisance contraband" and "disruption of authorized duties." This might result in his losing "good time" and/or not being able to get a reduction in his custody status.



On the other hand, he may enter the institution with poor reading and communication skills, enroll in school, get involved in one of the prisoner organizations and substantially improve his reading and communication skills, only to find that this effort at self-improvement is meaningless to prison administrators. If, then, he is not self-motivated or receiving encouragement from family members, he may wind up doing nothing further for himself.

The State Prison has done away with any pretense of encouragement and incentive for prisoners, turned the cliche of "warehousing" into a distinct reality, and created a situation in which deviousness is promoted and anger and frustration roused.

Though prisoners are provided with a rule book containing some 20 or so rules, the fact is there are hundreds of rules governing their behavior, what they may say, what they wear and who they may be with. These rules may be changed, added to or expanded upon at any time and without advance notice. The Director of Corrections, Warden Clarke, Deputy Warden Hopkins, Associate Warden Shaw, Unit Administrator Peart and any number of lower-ranking employees issue rules and their own interpetations of already-existing rules at will.

In addition, administrators at the State Prison continue to add other rules that range from the unnecessarily restrictive to the profoundly ludicrous. Examples: prisoners having to agree in writing that the institution may require proof members of their immediate families are dependent upon them in order to be allowed to send their own money to these family members, or to receive money from outside the prison; *male* attorneys wearing Bermuda shorts being refused permission to visit prisoner clients because of their attire; prisoner artists now being prohibited from painting in their cells, even with non-toxic paints; abolishment of a policy allowing prisoners to receive postage stamps in the mail, even though many prisoners just $20 to $30 per month doing institutional jobs.

Some examples of ludicrous rules: prohibition against prisoners wearing white tee shirts as outer shirts during visits; a policy whereby prisoners who had bought typewriters before a rule against purchasing typewriters was established were allowed to keep them, but are not allowed to get them repaired.

The only result of such rules is that prisoners are motivated toward deviousness and dishonesty. In addition, the manner in which the prison is run gives a clear message to prisoners: there is nothing wrong with abusing power so long as you don't get caught. With practically no institutionally provided incentives for prisoners to attempt to improve themselves, the Nebraska State Prison has succeeded in creating an environment guaranteeing that its residents are greater threats to their communities upon their release than they may have been before their imprisonment.

Are prison officials just being stupid? There are persons in and out of the prison who speculate that what may appear stupid may actually be part of a plan related to the institution's attempts to get the Legislature to approve and fund the construction of an 80-bed solitary-confinement facility (control unit). By building prisioner anger and frustration to a boiling point and fomenting a violent insurrection, prison officials could "justify" their expressed need for such a facility.

Whatever their rationale, Nebraska prison officials are recklessly endangering people on the outside whose neighborhoods are and will be home to men whose stint in prison has heightened their level of hostility, made them more devious and dishonest than they may have already been, and stifled whatever desire they may have had to make something of themselves.

N-Dump *from page 8*

Take the Dump--or Else

"Take the dump," the power companies told us, "or face a 23% rate raise plus astronomically higher taxes as a penalty for pulling out of the Compact." Power companies headquartered in Texas, Louisiana and Arkansas wanted Nebraska to have the dump so badly, they flooded our referendum campaign with more than $1.5 million. Nebraska power companies wanted the dump here so much, they circumvented election law by bombarding us with "educational" propaganda. When the people voted not to have their electric rates and taxes raised, they were told that was enough to satisfy the requirement for local approval of the dump.

Nebraskans were told, initially, we would not be chosen as the site. That's on record. It was a lie. When we were selected, we were told the site would be built only with local approval. US Ecology Vice President Rich Paton told that lie repeatedly across the state. Governor Orr told us the same. That, too, has proven to be a lie. The people of Boyd, Nemaha and Nuckolls County want to vote on the site, but aren't being allowed that right.

We are told this site will be safe. We don't believe that, either.

No matter what type of stone we use, neither the words nor the statues will endure for more than a small fraction of the time that the infernal garbage in that dump will remain dangerous to the numberless generations of our progeny yet unborn.

Bennington *from page 1*

come into the wells."

Sather says the issue hinges on the profit potential within the waste management business. "There are big bucks to be made," says Sather. "BFI is determined to have its own facility. They figure they can get the Omaha business, being a few minutes closer than Waste Management's site. Secondly, BFI is a big commercial hauler in Omaha. They want their own landfill, without the $4 Douglas County surcharge."

Residents fear that the profit motive will also encourage BFI to take waste from all over the country. "I'm convinced," says Sather, "that once dump costs get to $80 per ton, it will become financially profitable to transport wastes long distances." (According to Elwin Larson, Omaha City Engineer for Environmental Service, east coast dump prices average $100 per ton.)

Keiderling says, "Without the Douglas County contract, the only way BFI will be able to make a go of it financially is to accept wastes from other places."

Vandervoort says BFI might take waste from outside the area, but from no further than 150 miles. "With a greater Omaha area of 600,000 population, this area can support two landfills."

Keiderling says, however, that such a statement of intent is not sufficent guarantee against outside shipments. "Vandervoort says that under federal law BFI can't refuse outside waste shipments as long as they comply with BFI's permit," she says.

Residents also cite Waste Management and BFI's "poor track record which includes illegal dumping, price-fixing and bid-rigging." Dahlstet says, "There's no question that racking up company profits ranks higher for these firms than health, safety and environmental concerns."

Dear Editor,

Time and again the O W-H declines to give coverage to local events which are part of national calls for peace and justice. On Saturday, March 18, the Omaha Central America Response Team (OCART) sponsored a rally at the downtown Hall of Justice in protest of U.S. policy in El Salvador, and in support of the FMLN (the Farabundo Marti Front for National Liberation) peace proposals. This was our part in a nationwide day of protest to let the new administration know the will of the people regarding continued U.S. intervention in El Salvador. It was attended by about 100 people.

At the rally, two Omaha women who have been to El Salvador to accompany the people as they reclaim the land spoke of their experiences there. A third woman who left for El Salvador five days after our rally spoke of her upcoming trip.

Our favorite local daily sent a photographer. Nothing ever appeared in the W-H.

When I called to ask why, the response was hardly more than a shrug. But since it is difficult for me to shrug off so easily the callous attitude of the O W-H to citizen complaints, I am writing to my real favorite Nebraska newspaper to ask you to share with your readers one more example of what "free press" in Omaha is all about.

And I thank you for your continued and excellent efforts to give fair coverage to so many important issues.

Marylyn Felion



IBM loophole *from page 4*

plan, along with his proposals to cut capital gains taxes and restore oil loopholes, reveals a deep-seated antipathy toward tax reform. The idea that the tax code ought to be devoted to raising revenues fairly, rather than to subsidizing certain business activities or particular companies at the expense of others, is alien to the president's outlook. That's too bad, because even after tax reform there is much yet to do in fufilling the promise of the 1986 Tax Reform Act. In the international realm specifically, there are a number of steps that could protect the tax base and reduce incentive distortions that work against American jobs and domestic manufacturers. In addition to R&D rules, there are several comparable candidates for reform, such as the treatment of corporate interest deductions.

The current tax code's many opportunities for tax avoidance are augmented by the fact that companies usually don't have to report their foreign income to the the IRS until the foreign profits are brought back home. Typically, that happens when a corporation's foreign subsidiary pays it a dividend--the timing of which is subject to modification for tax purposes; the payment can be put off for a long time, even indefinitely. Significant revenues--not to mention great simplification--could be gained by eliminating this "deferral" of tax on foreign profits. Companies should report their total worldwide pre-tax profits, and those of their subsidiaries, to the IRS each year as they are earned.

The more general point here is that it is time to re-examine the whole approach we take to taxing multinational enterprises. Under current law, every transaction that an American company has with one of its foreign subsidiaries, or that an American subsidiary has with its foreign parent, is an opportunity for tax minimization. If the American corporation, for U.S. tax purposes, charges its foreign subsidiary or parent too little (or pays it too much) for products or know-how, then it will shift profits on its tax return toward foreign-source income and thereby reduce its U.S. taxes. As a way of trying to control those kinds of maneuvers, every deal between a U.S. company and its foreign foreign relatives supposedly is subject to an "arm's-length" test, which means that subsidiaries and their parents are expected to deal with one another as if they were unrelated, and had no interest in helping each other find tax loopholes. In theory, a tax auditor can verify arm's-length treatment by carefully inspecting the companies' books, but in fact the machinations involved are too complex, and our force of auditors too small, to enforce the arm's-length rule. And multinationals--particularly foreign-based multinationals with extensive U.S. business--exploit this fact deftly.

Much can be learned in this regard from the experience of state governments, which face comparable problems when they try to figure out how much profit multistate companies earn in a particular state. Most states have abandoned the impossibly complex arm's-length system in favor of a simple formula that allocates a company's total nationwide profits among states based on its sales, payroll, and property in each. If these numbers indicate that one-third of a company's economic activity is in California, then one-third of its income is subject to California tax, regardless of how much money has gotten passed around to and from its subsidiaries.

This system works well enough to suggest the institution of an analogous system at the global level, in which all nations employ a single formula to determine the taxable income of multinational conglomerates. One standard complaint about such a worldwide unitary method is that it differs from accepted international practice. Of course, that's true. Certainly, if the U.S. government were to move toward a formula approach to taxing multinational companies, it would require lots of cooperation from other countries (partly so that the new rules wouldn't violate existing tax treaties). But most foreign governments probably would welcome our taking the lead out of the present morass. On the other hand, given the fundamental simplicity and fairness of such a system, it might have trouble winning the support of the Bush administration.

Nuke Waste Legislation Update

Resource Committee Kills Right-To-Vote Bills

by Lynn Moorer

Of the five legislative bills dealing with low-level radioactive waste introduced this session, one survives.

On March 13 the legislature's Natural Resouces committee killed* all the nuclear waste bills except LB 761. The committee designated LB 761 as one of its priority bills after moving the bill to the legislative floor with amendments.

The **committee amendments** to LB761:

- Change the designation of the governor's at-large appointment to the local monitoring committee to specify that the position be filled by the chief of a fire department which has jurisdiction of an area within 15 miles of the proposed site.
- Provide for the governor to appoint, with legislative approval, the Compact commissioner. This would allow designation of someone other than the Director of the Department of Environmental Control to serve as commissioner.
- Change provisions locating a satellite Compact commission office from establishing an office in county within 90 days of site selection to establishing an office in the state within 30 days after the effective date of this new law.
- Increase the amount of incentive money to be split between the host county and municipalities within 10 kilometers of the site for "public purposes" to $2 million per year by removing the provision that $1 million per year be allocated to "maintain" water quality.
- Impose an inflation adjustment on the $2 million per year incentive money.

The amendments also incorporate the essence of two provisions proposed in LB 763:

- Require legislative approval to dispose of non-Compact waste in Nebraska.
- Require developer to pay for emergency response management, planning, equipment and training.

The amendments include two additional concepts of LB 763 in substantially altered form:

- Require environmental and financial review of developer's license if more than 50 **percent** of stock changes hands (LB 763 called for review if more than 10 percent changes hands).
- Impose rebuttable presumption of facility operator's liability for property damage, bodily injury or death resulting from exposure to low-level radioactive waste releases in excess of **regulatory allowances** which have been **recorded at the boundary of a facility.** The presumption may be rebutted by **evidence** showing such damage, injury, or death was not attributable to the exposure or occurred as a result of some other cause. (LB 763 imposed a rebuttable presumption of facility operator's liability for **all damages and** radioactive contamination within three miles of the **boundary.** The presumption could have been rebutted by **clear and convincing** evidence.)

Defining "Community Consent"

Asked to define community consent (a condition imposed by Gov. Orr for siting the facility), Sen. Loran Schmit of Bellwood says it should be approached on a "county-wide basis." Even though the committee rejected the voter approval mechanism, he says the method to achieve consent has yet to be worked out. "You can get county-wide consent and still not have the consent of those most directly involved.

Schmit declines to reject voter approval as the method best defining community consent, citing instead the November vote on Initiative 402 as evidence that the citizens chose not to have a vote. He says, "Community consent is really a matter of consensus."

Sen. Sharon Beck of Omaha says she does not know at this time how to determine consent absent a vote. "I feel for the people who want the vote," she says. "They shouldn't become disillusioned (because the right-to-vote bills were killed). They just need to continue to visit with their represenatives so that any final bill protects them and addresses their concerns."

Conflict of Interest Addressed

Schmit says his proposed change in appointment of the Compact commissioner is "desirable to achieve a little more flexibility" in naming as commissioner someone "better, more qualified, and more interested person who has more time to spend on it" than the DEC director. He says the amendment is "designed to reassure the public that they aren't locked into an individual who has responsiblilty as the head of an agency."

Special counsel to the governor Bud Cuca says the provision addresses a perceived "conflict of interest between someone wearing the hat of a regulator and also the hat of a Compact commissioner." He says, "I think the perception (of conflict) makes it a real conflict.... It is not good as a matter of policy."

Dennis Grams, who as director of the Department of Environmental Control currently serves as Nebraska's Compact commissioner, says the amendment is a "great idea" and one which he has advocated for several years.

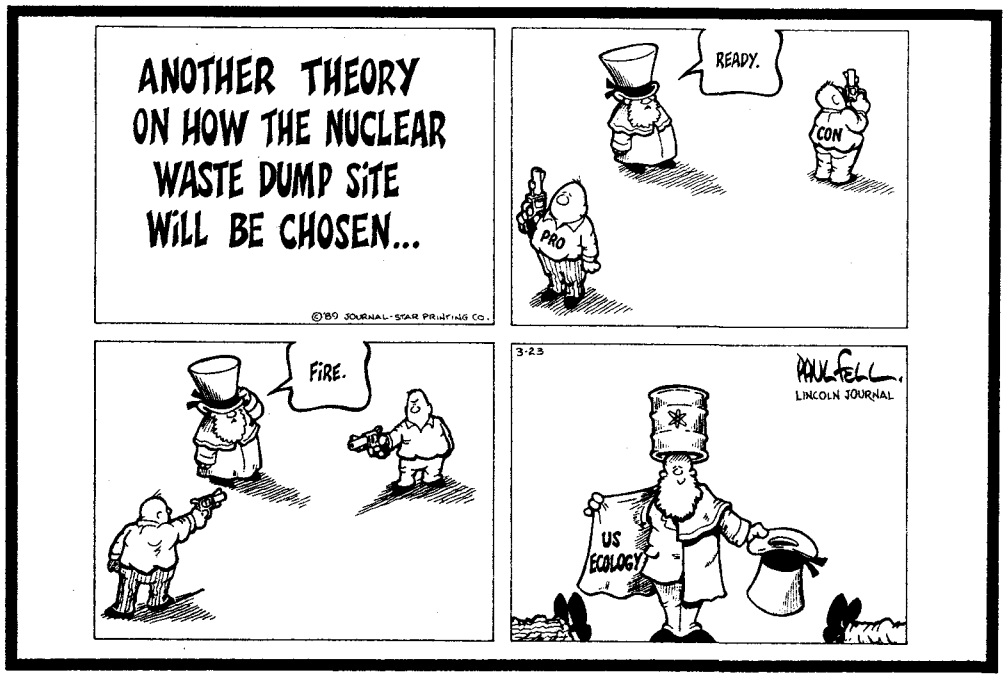
He says even though he knows of no "better representation (on the commission) than someone whose number one goal is to look out for the environment," the amendment is "a means of making the public more comfortable with that commission role." Grams says, "The only reason it has been questioned is because of the negative campaigning to scare people on this whole issue. The public doesn't understand it so it's an easy thing to hammer away at."

He says the public perception has incorrectly "confused the Compact commission and the Department" as both "promoter and regulator of the facility." Grams says, "I would hope that US Ecology and the Department are, in fact, saying the same thing because we're telling US Ecology what they have to do. If they're not saying that they're going to do this the way we want it, then they're not going to do it."

Grams says he has not talked with Gov.Orr about the proposed change and does not know if she has someone else in mind to serve as Compact commissioner.

Cuca says while he is unaware of any attempt to oust DEC Director Dennis Grams, a "lack of confidence" has been expressed "by folks who have said the State's not doing much to answer their questions." He says the governor has suggested Grams assume a "pro-active" role to "get out and talk to the folks and try to find out what their concerns are.

*Vote to kill LB 52, LB 314, LB 763, LB 795:
FOR (5): Beck, Elmer, Lamb, Schmit, Weihing.
ABSENT (3): R. Johnson, Morrissey, Smith.



When professional frowners worry that Japanese or European students are brighter than American students, they put the blame on too little homework or too much gym. But money counts too. Japan spends five times more on education than on its military and West Germany 40 percent more, while the U.S. outlay for education is 25 percent less than its military expenditures.

New Interest Seen in Organic Agriculture

Author Colman McCarthy reports on the national progress of organic and sustainable agriculture. The Nebraska Sustainable Agriculture Society sponsors workshops, organizes rural groups around the state, and publishes a bi-monthly newsletter. Its address is P.O. Box 736, Hartington, NE 68739. Its executive director is Sam Welsch.

by Colman McCarthy

WASHINGTON--Before Alar and apples, and before Meryl Streep came to Congress to talk of pesticides in food, I could get in and out of the organic food section of my local co-op in a few minutes. no more. Organic is in. There's no time to linger and squeeze the squash. Grab it and shuffle on.

Exiles from Safeway now want a safer way, beginning with fruits and vegetables grown with God's help, not the chemist's. In past weeks sales of organic food have surged. Even without bitter apples and sour grapes, a national awakening was under way.

In a food-industry survey last year, 75 percent of shoppers listed pesticide contamination as their greatest concern. Whole Foods Market, the largest retailer of organic food in Texas, had $61 million in sales last year, up 14 percent from 1987. Nationally, organic food sales were estimated at $3 billion last year. Demand is expected to double within five years, according to the Organic Food Production Association of North America.

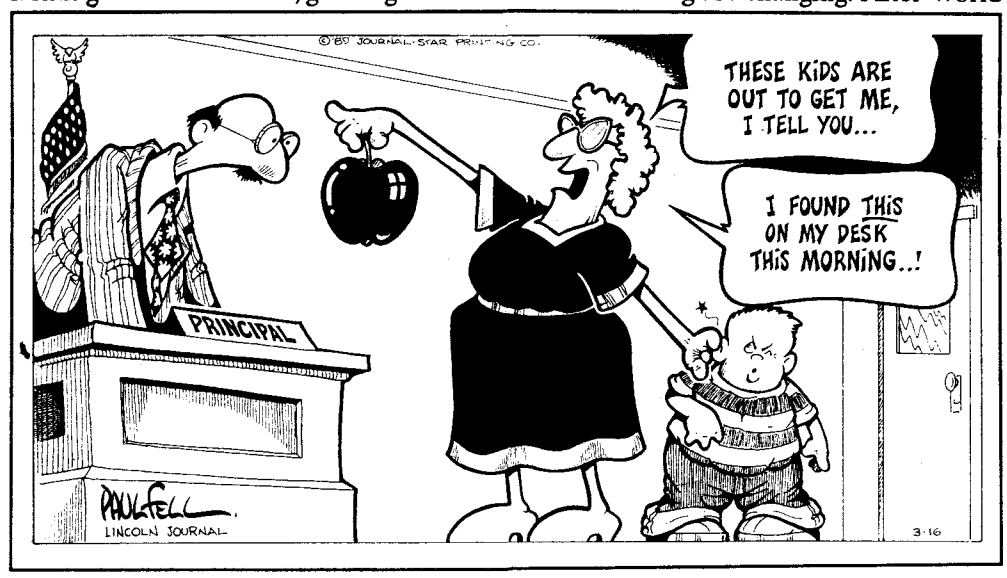
Vegetarian Times magazine, thick with organically wholesome news and commentary, has 170,000 subscribers, double the number three years ago. "The Necessary Catalogue" published in New Castle, Va., for those wanting to grow food in "a safe, gentle way avoiding the harsh chemical approach of conventional agriculture," has a subscription list of 10,000 commercial farmers. It was 1,500 five years ago.

As this tributary becomes the mainstream, myth is that a typical organic farmer is a mantra-humming hippie growing bean sprouts in the backyard with seaweed as mulch and a flyswatter for pesticide. Those aren't the constituents of Jim Hightower, the Texas agriculture commissioner. No hippies or seaweed-mulchers are among the 60 farmers who enrolled in the Texas organic certification program, the most comprehensive in the nation. Hundreds more applications are pending, even though the program is less than a year old.

Hightower, in Washington last week for the National Conference on Organic and Sustainable Agriculture, talks about fellow Texans who have gone organic: "We've got a citrus producer in the Lower Rio Grande Valley, one of the most chemically intensive farming areas of our state, growing 70 acres of oranges and grapefruit organically. Last month, he shipped his first full truckloads to both the East and West Coast...A farmer in Childress, in North Texas, is now selling Texas Department of Agriculture-certified organic watermelons and cantaloupes nationwide...A rice farmer near Beaumont is now selling organic rice through a company in Minnesota but is working to develop his own label. We recently certified the 308-acre organic farm of the Center of the Retarded outside Houston."

A second myth is that organic food is expensive. Joseph Dunsmoor of Organic Farms, a Beltsville, Md., distributor, says that, instead of getting overheated about the prices of organic food, we ought to add in the hidden costs of pesticide food: "Billions are paid--not at the cash register but in taxes and bills--to cover the Superfund and cleaning up the environment and health losses due to cancer and toxic diseases."

Dunsmoor believes that the economics of U.S. farming are changing. After World War II, agriculture went West where water, land, energy and labor were cheap. Now it's expensive. A way out is to regionalize production and distribution. "For Easterners, bring agriculture back East," Dunsmoor argues. Small is beautiful, so is regional.



A third myth is that if we don't spray with pesticides, bugs will overrun farms and apples will be wormy. Any organic farmer, or even the mildly alert weekend shopper at the local co-op knows the falsity of that. Centuries before U.S. chemical companies presented themselves as saviors of the American stomach, beneficial insects served as natural predators. With the heavy introduction of pesticides in the early 1950s, nature's ecological balance was skewered.

Citing overall pesticide production at 2.7 billion pounds in 1983--up from 200,000 pounds in 1950--the National Coalition Against the Misuse of Pesticides reports that during this enormous increase "crop loss due to insect resistance has doubled." A vicious circle has be come a vicious triangle: more pesticides, tougher bugs and less food.

Organic farmers are as skilled in the use of biological, botanical and mechanical controls of insects as conventional farmers are in spraying chemicals. They are stewards of the land, not exploiters. Even if a rare worm does wiggle into an apple, no one gets cancer from it. Nor from a splotch on an orange, nor a carrot that isn't perfectly shaped.

Ten years ago, people who make food choices based on health, nature and ethics were still being ridiculed as flakes, while those with poisoned-based diets were seen as normal. The tables--laden with organic foods--have turned.

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Advertisement

Announcing the IBM-PC Compatible Buyer's Seminar

A retail computer store is *not* the place to learn about purchasing a PC!

The typical first-time computer buyer walks out of a retail computer store $2,000 poorer. Will you be among the thousands who drop two grand -- and then discover that your system won't run the software you want -- or that you spent far more than necessary?

Reflect a moment. Do you really think that a retail salesman will steer you toward what is cost-effective for you--or a high commission sale for him? Are you equipped with the requisite knowledge to ask for what you need if it isn't offered and to resist buying what is unnecessary?

What you need is enough knowledge about the PC landscape to avoid being a sitting duck.

You could educate yourself by spending hours deciphering PC magazines in the library, or investing $20 (and several hours) reading a book that you hope isn't out of date...but why bother?

Sign up for a short seminar instead!

Think you don't need a course? Well, maybe you're right--Maybe you already know the answers to questions like these:

- How the three generations of PC's differ, why their prices vary so dramatically, and which one to select.
- Why a PC's ROM BIOS is the key to software compatibility. Which ROM BIOS's are acceptable and which should be avoided?
- How to choose the PC video card that is right for you. (There are five different "standards," you know).
- The four types of floppy disk drives, three types of hard disk drives, and three kinds of "buses" used in PCs directly affect the future utility of your computer. Do you know how?
- A single chip added to your system can make some applications run 10 times faster--but for other applications the chip is a waste of money. Do you know how and why?
- Do you know the difference between "expanded" and "extended" memory, why they are important, and how to avoid getting stuck with a card that doesn't support the important new version?
- Do you know which laser printer has 50% of the market--but the worst Page Description Language?
- Do you know how to cut your software bill by 50%?
- Can you tell the difference between a flat-file and a relational database? (It can be critical in some applications!)
- Is the best-selling word processor worth its high price? (Yes!)
- Is the best selling communications program (No!)
- How about the best selling database and spreadsheet programs? (Maybe and maybe, depending on what you need from them.)

If you don't know the answers to the above questions or feel that you could use a little "prepping", then reserve space now! The course will be taught by Anthony Carr, who selected, configured and operates the PC Page Makeup software used to produce The Nebraska Observer you are holding.

One more thing--you can qualify for the seminar's discounted price to Observer subscribers by subscribing to the Observer at the same time you register for the seminar! (Just be sure to write separate checks and send in both of the separate forms.)

Registration Form

Name: _____

Address: _____

City/St./Zip _____

Seminar held April 20, 1989, 7-9:30 pm in the Antiquarium Gallery, 1215 Harney, Omaha.

Cost:
Observer Subscribers: $20
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